STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7594

Technical Hearing
held at Montpelier, Vermont
June 11, 2010

Petition of Addison Solar Farm, LLC, for a	)
Certificate of Public Good, pursuant to 30 V.S.A.	)
Section 248, authorizing the installation and	)
operation of a solar electric generation facility in	)
Ferrisburgh, Vermont	)

Order entered: 8/3/2010

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I. INTRODUCTION

This case involves a petition filed by Addison Solar Farm, LLC ("ASF") on February 9, 2010, and supplemented on May 6, 2010, and June 8, 2010. The petition requests a certificate of

public good ("CPG") under 30 V.S.A. § 248 authorizing the installation and operation of a solar electric generation facility in Ferrisburgh, Vermont.

In this Proposal for Decision, I recommend that the Vermont Public Service Board ("Board") approve the proposed project and issue a certificate of public good to ASF authorizing construction of the proposed project.

II. PROCEDURAL HISTORY

On February 9, 2010, ASF filed a petition for a CPG, pursuant to 30 V.S.A. § 248, requesting approval to install and operate a solar electric generation facility in Ferrisburgh, Vermont.

On February 19, 2010, I held a prehearing conference at the Board's hearing room in Montpelier, Vermont.

On March 17, 2010, a site visit was held at the proposed project site in Ferrisburgh, Vermont, and a public hearing was held at the Town of Ferrisburgh Grange Hall/Community Center. Six members of the public provided comments at the public hearing. Members of the public raised questions and concerns with regard to landscape screening, site access, and security lighting.

On March 31, 2010, in an Order on Motion to Intervene, I granted permissive intervention on the issues of aesthetics and economic impact to Addison County Eagles Aerie 3801 ("Addison County Eagles Club").

On April 16, 2010, I approved a proposed Protective Agreement.

On May 6, 2010, ASF filed supplemental testimony and exhibits, and joint proposed findings of fact and order. The exhibits included the Vermont Department of Public Service's ("Department") aesthetic assessment report for the proposed project.

In a May 24, 2010, memorandum, I identified four questions regarding the petition and requested that ASF be prepared to answer them at the technical hearing. On June 8, 2010, ASF filed supplemental testimony and exhibits in response to the questions.

A technical hearing was held on June 11, 2010, in the Board's hearing room in Montpelier, Vermont. At the hearing, the prefiled testimony and exhibits of ASF were entered into evidence.

On June 15, 2010, ASF, the Department, the Vermont Agency of Natural Resources ("ANR"), and Addison County Eagles Club filed a Stipulation and revised proposed findings of fact and order in which all the parties agreed that the Board should issue a CPG with conditions. I am admitting the Stipulation and attached proposed findings of fact and order into evidence in this proceeding as exhibit Joint-1.[1]

III. FINDINGS

Based on the substantial evidence of record and the testimony presented at the hearing, I hereby report the following findings to the Board in accordance with 30 V.S.A. § 8.

Background and Project Description

1. ASF is a Vermont limited liability corporation with its principal place of business at 69 College Street, Burlington, Vermont. Pomerleau-Seddon pf. at 2.

2. The proposed project is a 1.047 MW solar electric generation facility on an 8-acre portion of an approximately 16-acre parcel of land located at the southwest corner of Route 7 and Monkton Road in Ferrisburgh, Vermont. Pomerleau-Seddon pf. at 3 and 8; exhs. ASF-EP/LS-2, ASF-EP/LS-15 at 2, and ASF-EP/LS-17.

3. The proposed project will include: (1) 3,740 individual polycrystalline solar photovoltaic panels, 280 watts each; (2) metal support structures under the panels to create south-facing collector arrays; (3) electrical lines in underground conduit connecting the panels to the inverters and switch gear enclosure; (4) inverters; (5) transformer; and (6) underground electrical lines from the interconnection transformer to Green Mountain Power Corporation's ("GMP") distribution system. Pomerleau-Seddon pf. at 5-6; Pomerleau-Seddon 2nd supp. pf. at 2; exhs. ASF-EP/LS-2, ASF-EP/LS -3, and ASF-EP/LS -17.

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1. Any party wishing to object to the admission of the Stipulation and attached proposed findings of fact and order into evidence should do so in its comments on this Proposal for Decision.

4. The proposed solar panels will be attached to a fixed mounting system composed of steel and aluminum support pieces. The mounting structure will be arranged in east to west rows with panels placed two high on each row. The panels will be tilted at 30 degrees with respect to horizontal and will face solar south. The mounting structure support poles will be driven into the ground to a depth of approximately five feet, without the need for concrete foundations. The lowest part of the panels will be approximately 4 feet off of the ground to allow for snow pack and maintenance of the surrounding field. The top of the panels will be a maximum height of approximately 10.5 feet off the ground. Pomerleau-Seddon pf. at 6; exh. ASF-EP/LS-3 at fig. b, sheet 2.

5. The proposed projects includes two 500 kW AC inverters that converts the DC current generated by the solar panels into AC current before it is sent to the distribution line. The inverters will be housed in a pre-fabricated enclosure, approximately 10 feet wide by 35 feet long by 9 feet high. The enclosure will be located at the western edge of the property. All electrical conduits and lines will run underground from the panels to the inverter enclosure. At the inverter enclosure, solar panel circuits are connected to disconnect switches, overcurrent protection, and the DC input side of the inverters. Pomerleau-Seddon pf. at 7-8; Pomerleau-Seddon 2nd supp. pf. at 3; exh. ASF-EP/LS-3 at fig. d and ASF-EP/LS-18.

6. The proposed project will include a medium-voltage step-up transformer located adjacent to the inverter enclosure which will transform the 480 volt inverter output to 12.47 kV for interconnection to GMP's distribution system. The output of the transformer will run underground to Monkton Road where it will be connected to GMP's distribution line at pole #4372. Pomerleau-Seddon pf. at 7-8; Pomerleau-Seddon supp. pf. at 4; exhs. ASF-EP/LS-16, ASF-EP/LS -17, and ASF-EP/LS -19.

7. The nameplate capacity of the proposed project is 1.047 MW DC, prior to conversion to AC. The expected net energy output of the proposed project (after DC to AC conversion) is 1,200,000 kWh per year. Pomerleau-Seddon pf. at 5; exh. ASF-EP/LS-15 at 2.

8. The electric metering for the proposed project will occur at the low side of the step-up transformer. GMP will provide a bi-directional meter with software that allows it to determine the instantaneous efficiency of the transformer at any given load level. This allows the metering

to accurately reflect the kWh produced for the proposed project after transformer losses. Pomerleau-Seddon 2nd. supp. pf. at 4; exh. ASF-EP/LS-4.

9. The proposed project will be surrounded by a six-foot-high black chain-link fence for security and safety. The layout incorporates setbacks from the property lines and buffers from the Class III wetlands on the property. Pomerleau-Seddon pf. at 6-7; exh. ASF-EP/LS-3 at fig. b, ASF-EP/LS-11, and ASF-EP/LS-12.

10. Lighting for the proposed project will be provided near the inverter enclosure. The lighting will only turn on when the enclosures are opened for maintenance. Pomerleau-Seddon supp. pf. at 2.

11. The proposed project will occupy a site that is currently an open field, with a barn along the Monkton Road side that will remain in place. Access to the proposed site will be from an existing entrance on Monkton Road onto a new gravel access road running to the inverter enclosure. The proposed project will include an informational kiosk and associated parking (about 4 spaces) located in the northwest corner of the site. The proposed kiosk will utilize the Monkton Road entrance and improvements to the area will include either paving or laying gravel. Pomerleau-Seddon pf. at 8; exhs. ASF-EP/LS-2 and ASF-EP/LS-17.

12. The proposed project will provide an educational resource concerning the role of a renewable energy project in the working Vermont landscape. This will be accomplished through the on-site informational kiosk and learning partnerships with the adjacent Vergennes Union High School and possibly other area schools. Pomerleau-Seddon pf. at 5.

13. The proposed project is being developed under the Sustainably Priced Energy Enterprise Development ("SPEED") standard-offer program. A standard-offer contract has been signed with the SPEED Facilitator for the proposed project. The standard-offer contract provides for the sale of the proposed project output and other attributes, including the renewable energy credits ("RECs"), at a fixed price of $0.30 per kWh for a period of 25 years. Pomerleau-Seddon pf. at 3-4; exh. ASF-EP/LS-10.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

14. The proposed project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by findings 15 through 17, below.

15. The proposed project is compatible with nearby land uses (light commercial, residences, school) and the proposed site is zoned as Highway Commercial, a district that allows a wide variety of commercial, retail and light industrial (warehouse) uses. Pomerleau-Seddon pf. at 13.

16. The proposed project is consistent with the Ferrisburgh Town Plan with regard to its utility and energy policies to encourage alternative sources of energy and its land conservation policies to encourage commercial and industrial development in the Highway Commercial and Industrial areas. Kane pf. at 6-7; exh. ASF-MK-4.

17. The proposed project is consistent with the Addison Regional Plan's policy to increase local energy production. Kane pf. at 6-7; exh. ASF-MK-5.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

18. The proposed project is a qualifying SPEED facility and no part of the proposed project is financed directly or indirectly through investments, other than power contracts, backed by Vermont electricity ratepayers. Pomerleau-Seddon pf. at 14; exh. ASF-EP-LS-10.

Discussion

Pursuant to 30 V.S.A. § 8005(b)(8):

> a demonstration of compliance with subdivision 248(b)(2) of this title, relating to establishing need for the facility, shall not be required if the facility is a SPEED resource and if no part of the facility is financed directly or indirectly through investments, other than power contracts, backed by Vermont electricity ratepayers.

Accordingly, ASF does not need to demonstrate compliance with this criterion.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

19. The proposed project will not adversely affect system stability or reliability. The proposed project was subjected to the Board Rule 5.500 Interconnection Fast Track Screening Process as described in Section 5.505 of the Rule and has met all applicable criteria. The costs of any electrical system modifications required to interconnect the proposed project to the GMP distribution system will be borne by ASF. Pomerleau-Seddon pf. at 14-15; exhs. ASF-EP/LS-6 and ASF-EP/LS-7.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

20. The proposed project will result in an economic benefit to the state and its residents. This finding is supported by findings 21 through 23, below.

21. The proposed project will generate local and state property taxes. The total development and capital cost of the proposed project is approximately $5 to $6 million, operating costs will be approximately $50,000 to $75,000 per year, and combined property taxes will be approximately $30,000 per year. Pomerleau-Seddon pf. at 15.

22. The proposed project will contribute positively to the local and state economy through the almost exclusive use of in-state suppliers, contractors, and consultants. During the development and construction phases, ASF will have retained (directly or through contractors) dozens of individuals to work on engineering, environmental, aesthetic, legal/permitting, and construction-related tasks. During the operations phase, several off-site individuals will be employed in operating, maintaining, and monitoring the proposed project. Pomerleau-Seddon pf. at 15-16.

23. The proposed project, as a renewable energy resource, will contribute to the State meeting its energy and sustainability goals by offering a generation source that is not tied to the market variability associated with fossil fuels. Pomerleau-Seddon pf. at 4 and 16.

Aesthetics, Historic Sites, Air and Water Purity,
the Natural Environment and Public Health and Safety

[30 V.S.A. § 248(b)(5)]

24. The proposed project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 25 through 95, below, which are the criteria specified in 10 V.S.A. §§ 1424(a)(d) and 6086(a)(1)-(8)(a) and (9)(k).

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

25. The proposed project will not have any undue adverse impacts on public health or safety. This finding is supported by findings 26 through 35, below.

26. All inverter and switchgear equipment for the proposed project will be located in a Underwriters Laboratories ("UL") listed, code-approved electrical enclosure. A perimeter fence with appropriate electrical warning signs will enclose the entire proposed solar facility. Pomerleau-Seddon pf. at 20-21; exh. ASF-EP/LS-3 at fig. d.

27. The proposed solar panels will have an anti-reflective coating, in order to absorb rather than reflect the sun's energy. The anti-reflective coatings and light absorbing properties of the photovoltaic panels significantly reduce the amount of light that can be reflected. The manufacturer's calculated reflectivity is about 8 percent. The reflectivity from the proposed solar panels will be diffused and similar to reflection on water rather than the sharper reflection associated with polished metal or glass. Pomerleau-Seddon pf. at 20-21; Kane supp. pf. at 3; exh. ASF-EP/LS-15.

28. The viewshed for the proposed solar panels will be limited in size by the use of low-reflective surfaces, landscape screening, and the orientation with respect to travel corridors. Kane supp. pf. at 2-3 and 8.

29. The highest probability of reflectivity for the proposed project to a ground-based observer occurs in the early mornings and late afternoon. A vehicle must be traveling southwest of a solar facility to see reflectivity in the morning and southeast of the facility to see reflectivity in the evening. The potential impact on Route 7, which runs south and east of the proposed solar facility, will occur during the late afternoon hours. Kane supp. pf. at 3.

30. The portion of Route 7 which has visibility of the solar panels will be limited to approximately 1,800 feet of roadway. The duration of visibility by passing automobiles will be about 20 to 25 seconds. From this perspective the solar panels will not be completely in the line-of-sight and will become increasingly peripheral as a driver approaches the proposed project. Kane supp. pf. at 3-4.

31. There are multiple examples, including some in Vermont, where photovoltaic panels have been or are planned to be placed in visible proximity to highways and airports. Available information from these examples indicates that solar panels have a low incidence of reflectivity and are highly unlikely to cause undue reflection to passing motorists. Kane supp. pf. at 5-7; exhs. ASF-MK-6 through ASF-MK-8.

32. Given the proposed panels' low reflectivity, the short duration that a passing motorist would have a peripheral view of the panels, and the absence of a direct line-of-sight view, there is minimal risk that any reflectivity from the proposed project will cause a safety issue. Kane supp. pf. at 4-5; exh. ASF-MK-6.

33. The proposed project represents the first large-scale installation of a solar electric generating facility in Vermont. Monitoring the reflectivity of the proposed project will likely verify the project's minimal impacts on driver safety and provide safety information for use in any future solar projects. Kane supp. pf. at 8; tr. 6/11/10 at 16-17 (Kane).

34. ASF will monitor the proposed project during the first year to confirm that light reflection from the solar panels will not create a potential safety hazard to drivers. ASF, in response to the Department's request, has agreed to the following Reflectivity Monitoring Plan as a condition to the certificate of public good:

> (a) ASF shall observe and photograph the solar array at four times (once in each season) during the first year of operation. These observations shall take place: (1) at the most likely times when the solar arrays could be reflecting light towards Route 7 motorists, i.e., late afternoon when the sun is setting; and (2) at two vantage points along Route 7, one near Plank Road at the Waltham Town Line and the other near the intersection of Route 7 and New Haven Road.
> (b) Should any of these observations result in a conclusion that reflectivity might constitute a potential safety concern to drivers, ASF shall report this information to the Board and Department as soon as possible so that the need for remedial measures, if any are warranted, can be discussed and determined in a timely fashion.

(c) ASF shall provide a written report to the Board and Department within one month of completing the last round of monitoring.

Pomerleau/Seddon supp. pf. at 5-6.

35. ASF will include on the kiosk for the proposed project (located on Monkton Road) a contact e-mail address for individuals to communicate to ASF any concerns or complaints regarding reflectivity from the proposed project. Both the Addison County Sherriff's Office and the Vermont State Police will be notified regarding the proposed project and will be asked to contact ASF if any complaints are logged. All such information will be collected and submitted as part of the Reflectivity Monitoring Plan. Kane supp. pf. at 8.

Discussion

Under the Stipulation filed by the parties, ASF has agreed to the Reflectivity Monitoring Plan as described in finding 34, above. ASF's expert witness has indicated that the proposed project will have minimal impacts on driver safety given the proposed panels' low reflectivity and the short duration that a passing motorist will have a peripheral view of the panels. In addition, as indicated in finding 31, there are multiple examples where photovoltaic panels have been placed in visible proximity to highways and airports with no reported safety impacts. However, given that the proposed project represents the first large solar generating facility proposed in Vermont, the Reflectivity Monitoring Plan will provide confirmation that the solar panels will not create a potential safety hazard and useful information for any future solar projects. Therefore, I am recommending a Reflectivity Monitoring Plan be required as a condition to the certificate of public good, along with a condition reserving the Board's authority to require any mitigation measures that the Board determines to be necessary, based on the results of the Reflectivity Monitoring Plan.

Outstanding Resource Waters

[10 V.S.A. § 1424(a)(d)]

36. There are no waters on or near the proposed project that have been designated as outstanding resource waters. Mapes pf. at 2-3.

Air Pollution

[10 V.S.A. § 6086(a)(1)]

37. The proposed project will not result in undue air pollution. This finding is supported by findings 38 through 46, below.

38. The construction of the proposed project will not result in undue air pollution from dust given the following factors: (1) there will be a stabilized construction entrance; (2) the access drive will have a gravel surface; (3) there will be limited brush and tree clearing; (4) there will be limited soil disturbance resulting from the installation of all solar panel support structures and security fence as they will be pile driven; and (5) there will be limited temporary soil disturbance associated with shallow trenching for connecting underground conduit and transmission infrastructure. Mapes pf. at 3.

39. Any dust generated during proposed construction will be controlled through the application of water as needed. The Erosion Prevention and Sediment Control Plan ("EPSC Plan") for the proposed project specifies the management practices to be employed. Mapes pf. at 3; exh. ASF-SMM-2.

40. The proposed project will produce no air pollutants during operation. Mapes pf. at 4.

41. Construction of the proposed project will take place only during daylight hours to minimize the effects of construction-related noise at neighboring properties. There will be no burning or other emissions during both the construction and operation phase of the proposed project. Mapes pf. at 4.

42. The inverters will comply with UL 1741 (Standards for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources) and Federal Communication Commission Class A standards for conducted and radiated emissions. Pomerleau-Seddon pf. at 17.

43. The inverters for the proposed project will generate some noise during daytime operations, with the highest sound levels during midday. The inverters will not generate sound during the evenings. Pomerleau-Seddon pf. at 17.

44. The two inverters for the proposed project will generate a total sound level of 71 dBA at one meter away. The inverters will be housed in a factory-made enclosure that is estimated to

attenuate sound to a level outside the enclosure of 50 dBA. Pomerleau-Seddon 2nd supp. pf. at 3.

45. The 1000 kVA medium voltage transformer mounted outside the inverter enclosure will have a sound level of 45 dBA or less at the unit. The combined inverter and transformer noise level will be approximately 51 dBA outside the enclosure. Pomerleau-Seddon 2nd supp. pf. at 3.

46. Sound levels for the proposed inverters and transformer will be approximately 24 dBA at the closest property line (22 meters to the west). This level is well below background sound levels to be expected in this area (given the proximity of Route 7, the high school, and surrounding businesses and homes). Pomerleau-Seddon 2nd supp. pf. at 4.

Water Pollution

[10 V.S.A. § 6086(a)(1)]

47. The proposed project will not result in undue water pollution. This finding is supported by findings 48 through 51, below, and by the specific findings under the criteria of 10 V.S.A. §§ 6086(a)(1)(A) through (G), below.

48. The proposed project will not require a state stormwater discharge operating permit under Chapter 18 of ANR's Department of Environmental Conservation ("DEC") regulations. The post-construction impervious area resulting from the proposed project is estimated to be 9,000 square feet, or less than one-quarter acre, and thus less than the one-acre permit threshold. The imperious area includes the proposed inverter enclosure, new gravel access road, and four gravel parking spaces. The proposed solar panels themselves do not constitute impervious surface. Mapes pf. at 5-6.

49. There will be no expected measurable changes to the hydrology of the proposed project site after development, given that there will be relatively few permanent changes to the project site and generally no permanent changes to the site's native soils profile, slope, grade, and surface vegetation. The stormwater runoff quality and quantity should remain essentially the same as it presently occurs under pre-development conditions. Mapes pf. at 5-6.

50. The proposed project will not require a National Pollutant Discharge Elimination System stormwater construction permit. It is estimated that there will be 30,000 square feet of

earth disturbed during the construction phase and thus less than the one-acre permit threshold. Mapes pf. at 6.

51. The construction of the proposed project will not result in undue pollution of nearby waters. The proposed project will implement a comprehensive, site-specific EPSC Plan to address any potential impacts associated with earth disturbances. The goals of the plan will assure that the site is stabilized and seeded (native grasses or temporary erosion control matting as necessary) immediately upon completion of all earth disturbing activities. The EPSC Plan specifies the management practices to be employed. Mapes pf. at 6; exh. ASF-SMM-2.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

52. The proposed project is located in a headwaters region, since the proposed project site is located in a drainage area of less than 20 square miles. The proposed project will meet any applicable health and environmental conservation department regulation regarding reduction of the quality of the ground or surface waters flowing through or upon lands which are not devoted to intensive development. This finding is also supported by findings 48 through 50, above; Mapes pf. at 4-5.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

53. The proposed project will meet applicable Department of Health and DEC regulations for the disposal of wastes, and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells. This finding is supported by findings 54 through 57, below.

54. The proposed project does not involve any domestic waste or potable water supply needs and therefore the project does not require a state Water Supply and Wastewater Disposal Permit. Mapes pf. at 5.

55. The proposed project does not involve disposal of wastes or injection of any material into ground water or wells. Mapes pf. at 5.

56. The construction of the proposed project will require limited brush and tree clearing. The clearing will be limited to an approximately 400-foot by 40-foot section of internal tree and brush line and a small tree and bush cluster located to the immediate south of the inverter enclosure. Any solid wastes generated during the construction phase will be processed in accordance with Vermont solid waste management rules. Mapes pf. at 5.

57. There are expected to be no solid wastes generated during the operational phase of the proposed project. All panels, support structures, conduit and cabling for the proposed project will be made from recyclable materials. Mapes pf. at 5.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

58. The proposed project will require no or limited use of water during the construction phase (unless required for dust control) or during the operational phase (except for possible occasional cleaning of the solar panels). Any required water will be brought to the site on small maintenance vehicles. Mapes pf. at 6-7.

Floodways

[10 V.S.A. §§ 6086(a)(1)(D)]

59. A formal floodway or floodway fringe determination has not been made for the proposed project area. The parcel property line for the proposed project is roughly 80 feet away from an unnamed tributary of the Otter Creek. The closest proposed solar panel will be nearly 720 feet away and 15 to 20 feet in elevation above this surface water. Given these factors and the drainage shed's topographic features, the proposed project will not restrict or divert the flow of flood waters or significantly increase the peak discharge of this stream within or downstream from the area of development or otherwise endanger the health, safety, or welfare of the public or riparian owners during flooding. Mapes pf. at 7-8.

Streams

[10 V.S.A. §§ 6086(a)(1)(E)]

60. The proposed project will result in no undue or adverse impacts on streams. This finding is supported by findings 61 and 62, below.

61. There are no streams on the proposed project site. The closest stream to the proposed project site is an unnamed tributary to the Otter Creek, 720 feet from the nearest solar panel. Mapes pf. at 8.

62. The proposed project is not expected to have any undue adverse impacts on the unnamed off-site stream or its banks. The construction and operation phase of the proposed project is expected to result in little to no change in the surface water runoff quality and quantity compared to existing conditions. Mapes pf. at 8.

Shorelines

[10 V.S.A. §§ 6086(a)(1)(F)]

63. The proposed project will have no undue or adverse impacts to shorelines, since the proposed project is not located on a shoreline of a lake, pond, reservoir or river. Mapes pf. at 8.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

64. The proposed project will have no undue or adverse impacts to identified wetlands. This finding is supported by findings 65 through 67, below.

65. There are no significant wetlands (Class I or II) located on the proposed project site. Mapes pf. at 8; exh. ASF-SMM-3.

66. The Class III wetland on the proposed site has been delineated by a qualified wetlands ecologist and a 25-foot buffer to the wetland will be maintained. Mapes pf. at 8-9; exh. ASF-SMM-3.

67. The proposed project will result in limited site disturbance during construction, will implement a site-specific EPSC Plan, and will result in little or no change in the pre-construction runoff characteristics after construction is completed. Mapes pf. at 8-9.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2)&(3)]

68. The proposed project will not have an undue adverse impact on any existing water supply. The proposed project will require no to limited use of water during the construction phase (unless required for dust control) or during the operational phase (except for possible occasional cleaning of the solar panels). Any required water will be brought to the site via small maintenance trucks. Mapes pf. at 9.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

69. The proposed project will not result in unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. This finding is supported by findings 70 through 75, below.

70. There are no streams or rivers on the proposed project site. The closest off-site stream is an unnamed tributary to the Otter Creek, 720 feet down-gradient from the solar panels. Mapes pf. at 10.

71. The onsite Class III wetland will be protected by the implementation of a site-specific EPSC Plan. Mapes pf. at 10; exh. ASF-SMM-2.

72. The only new impervious surfaces for the proposed project will be the inverter enclosure, access drive, and a small gravel parking area. Mapes pf. at 10.

73. The EPSC Plan will include silt fencing being installed and maintained down-gradient of areas of earth disturbance, stabilizing all earth disturbances with temporary Best Management Practices, and permanent stabilization with native grass seed upon completion of construction activities. Mapes pf. at 10; exh. ASF-SMM-2.

74. To facilitate the return of native vegetation and to reduce erosion after construction of the proposed project, erosion control matting or similar geo-textile fabric will be placed along the length of each row of solar panels where necessary. Mapes pf. at 10; exh. ASF-SMM-2.

75. Access by construction equipment for the proposed project will be from the existing access driveway, from a single access point off Monkton Road. This access will be improved and stabilized with stone at the entrance to prevent the tracking of sediment off site. Any tracked

sediments found on Monkton Road will be routinely swept up. Mapes pf. at 10; exh. ASF-SMM-2.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

76. The proposed project will not cause unreasonable congestion or unsafe conditions with respect to use of highways, waterways, railways, airports and airways, and other means of transportation existing or proposed. This finding is supported by findings 77 through 79, below.

77. Access to the proposed site by construction equipment will be from the existing access driveway off Monkton Road. The proposed project will be located entirely outside the right-of-way of Route 7. A parking area will provide space for 4 cars in the event that a passerby wishes to stop and view the proposed project. Pomerleau-Seddon pf. at 18.

78. The amount of construction-related vehicle traffic for the proposed project is expected to be less than 1,000 total vehicle trips to the site and delivery of 16 tractor-trailer loads of equipment, spread over three months. This traffic is expected to utilize Route 7 and should have no appreciable effect on daily traffic volume, which is presently in the range of 7,000 vehicle trips per day based upon Vermont Agency of Transportation data. Pomerleau-Seddon pf. at 18-19.

79. The proposed solar panels, mounting system, conduits and inverter are all of appropriate size, shape and weight to be transported to the site on Route 7 and other state or local roads using standard road delivery methods. No oversize or overweight loads requiring special permits for transportation are expected to be needed for the proposed construction. Pomerleau-Seddon pf. at 18-19.

Educational Services

[10 V.S.A. § 6086(a)(6)]

80. The proposed project will not cause any unreasonable burden on the ability of any municipality to provide educational services. No full-time on-site jobs will be created as a result

of the proposed project, and thus no new school-aged children will enter the Ferrisburgh or Vergennes educational system. The proposed project will provide local schools with educational experiences that include tours of the project, development of specific curriculum, and posting project output and weather data online. Pomerleau-Seddon pf. at 16 and 19; exh. ASF-EP/LS-8.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

81. The proposed project will not cause any unreasonable burden on the Town of Ferrisburgh to provide municipal services. The proposed project will not require any municipal water or sewer, nor any unique fire, police, or rescue services, and will be installed to conform to all applicable electrical and fire codes. Pomerleau-Seddon pf. at 20; exh. ASF-EP/LS-9.

Aesthetics, Historic Sites
and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

82. The proposed project will not have an undue adverse effect on the scenic or natural beauty, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 83 through 93, below.

83. The viewshed of the proposed project will be small and variable. Views of the proposed project from the south will be more likely, while views from the north, east and west will be limited by distance, vegetation and existing structures. The proposed project will nearly always be viewed in context with the surrounding developed commercial, institutional and residential uses along Monkton Road. Kane pf. at 4; exh. ASF-MK-2.

84. The proposed project can be viewed along 1,800 feet of Route 7, which runs south and east of the property. The duration of visibility by a passing automobile will be about 20 to 25 seconds. Kane supp. pf. at 3-4.

85. While visible from portions of Route 7, the proposed project will not be an overly dominant element in the landscape, but rather will be seen as a land use consistent with the transition between the agricultural uses that dominate the region and the developed uses that define the northern and western edges of the subject property. The low profile of the proposed

project with respect to the land allows existing hedgerows and trees within the property to function well for screening. Sufficient buffers between neighboring properties and public rights-of-way are provided that will place the proposed solar panels hundreds of feet away from potential viewers. Kane pf. at 5; exh. ASF-MK-2.

86. The proposed project will include the preservation of the existing farmstead and barn on the Monkton Road frontage of the property, use of a rack system for the solar panels that requires minimal ground disturbance, the use of a neutral color for the inverter enclosure, and the addition of a public kiosk to provide the local historic and cultural context for the project. Kane pf. at 5; exh. ASF-MK-2.

87. In consultation with parties, ASF will implement an agreed-upon landscaping plan that provides screening along the south side (along the property line of the Addison County Eagles Club) and portions of the east side (along Route 7) of the proposed project property. Pomerleau/Seddon supp. pf. at 2; exh. ASF-EP/LS-13.

88. The proposed project will use black-colored security fencing without a top horizontal rail to reduce the fence's visual prominence. Pomerleau/Seddon supp. pf. at 2; exh. ASF-EP/LS-12.

89. The proposed project will use lighting only during maintenance activities at the inverter enclosure. No other lighting, including security lighting, will be used by the proposed project. Pomerleau/Seddon supp. pf. at 2.

90. The Town of Ferrisburgh Plan includes no specific community standards according to which the proposed project's aesthetic impact can be evaluated. The proposed project is consistent with the conservation and preservation objectives in the Plan that include building in one of the town's designated commercial zones, minimizing clearing and disturbance of the site, and maintaining the long-term productive use of the land. Kane pf. at 6-7; ASF-MK-2.

91. The Addison County Regional Plan identifies goals and objectives related to the siting of energy and utility facilities with regard to visual and aesthetic impacts. The proposed project is consistent with the Plan because it is well suited to provide good solar resource potential with limited visual and aesthetic impact. Kane pf. at 7; exh. ASF-MK-2.

92. The proposed project will have no direct nor indirect visual impacts on any historic structures located off-site. The Vermont Division of Historic Preservation has concurred that the proposed project will not have undue adverse impacts to historic or archeological resources. Kane pf. at 4; exh. ASF-MK-3.

93. The proposed project will not have an undue adverse effect on any rare and irreplaceable natural areas. Based upon consultation with ANR, there are no natural communities that would constitute a rare and irreplaceable natural area at the proposed project site. Mapes pf. at 11.

Discussion

Based on the above findings, I find that the proposed project will not have an undue adverse effect on the aesthetics or scenic and natural beauty of the area. In reaching this conclusion, I have relied on the Environmental Board's methodology for determination of "undue" adverse effects on aesthetics and scenic and natural beauty as outlined in the so-called Quechee Lakes decision. *Quechee Lakes Corporation*, #3W04 1 1-EB and 3W0439-EB, dated January 13, 1986.

As required by this decision, it is first appropriate to determine if the impact of the project will be adverse. The project would have an adverse impact on the aesthetics of the area if its design is out of context or not in harmony with the area in which it is located. If it is found that the impact would be adverse, it is then necessary to determine that such an impact would be "undue." Such a finding would be required if the project violates a clear written community standard intended to preserve the aesthetics or scenic beauty of the area, if it would offend the sensibilities of the average person, or if generally available mitigating steps will not be taken to improve the harmony of the project with its surroundings. The Board's assessment of whether a particular project will have an "undue" adverse effect based on these three standards will be significantly informed by the overall societal benefits of the project.[2]

ASF's expert witness has concluded that the proposed solar project will not result in an adverse aesthetic impact, and that even if the aesthetic impact was considered adverse, it would

2. *In re: Northwest Vt. Reliability Project*, Docket 6860, Order of 11/28/05 at 80; *Northern Loop Project*, Docket 6792, Order of 7/17/03 at 28; *Petition of UPC Vermont Wind, LLC*, Docket 7156, Order of 8/8/07 at 65.

not be unduly adverse.[3] The Department's aesthetic report, prepared by an expert consultant, concluded that the project's impacts will be adverse to the aesthetic and scenic beauty of the area.[4] The impacts noted in the Department's report included the distinctive form and color of the large-scale installation, the surrounding population's lack of familiarity with a solar installation of the project's magnitude, the proposed project's visibility along a major travel route with scenic views, safety concerns regrading solar panel reflectivity, and light pollution from proposed security lighting.[5] The Department's expert witness further concluded that the proposed project would not result in an undue adverse impact. Using the Quechee test as a guide, the Department's report concluded that these impacts are not shocking or offensive, that the proposed project does not violate a clearly written community standard, and that ASF has taken reasonably available mitigation measures to reduce these impacts.[6] The Department's report recommended post-construction examination of the effectiveness of project screening and monitoring of the solar panel reflectivity.

Given the facts of this case, it would be difficult to find that the proposed solar project will not have an adverse effect on the aesthetics of the area. The proposed project will cover approximately 8 acres of land with solar panels that will be incompatible with their surroundings, and travelers along Route 7 will have extended views of the solar panels. This conclusion was supported by the Department and the Addison County Eagles Club, a party and adjoining property owner.

The record is also clear that ASF has taken generally available steps to mitigate the impact of the proposed project and improve the harmony of the project with its surroundings. The proposed project includes: (1) a landscaping plan, agreed upon by the parties, reducing visibility; (2) clearing of existing vegetation limited to only that which is necessary for construction; (3) project lighting limited to maintenance activities; and (4) a post-construction Reflectivity Monitoring Plan. In addition, the proposed project does not violate a clear written community standard intended to preserve aesthetics or scenic beauty in the project area. While

3. Kane pf. at 6.
4. Exh. ASF-EP/LS-14 at 8.
5. Exh. ASF-EP/LS-14 at 8.
6. Exh. ASF-EP/LS-14 at 11.

the proposed project will be visible, I conclude that it will not dominate the landscape and will not offend the sensibilities of the average person. Based upon the applicable law and the facts presented in this case, I conclude that the proposed project will not result in an undue adverse effect on aesthetics or on the scenic or natural beauty of the project area.

As part of the Stipulation, the parties have agreed upon a landscaping plan to screen or otherwise mitigate the impact of the proposed project at various locations.[7] I recommend that the Board approve the landscaping plan. The Department's aesthetic report recommended the Board reserve the right to make a post-construction review of these measures to address any unexpected visual impact. Given the difficulty of fully and accurately assessing the adequacy of landscape mitigation measures prior to construction, I recommend that the Board include a condition in the certificate of public good stating that the Board may require ASF to install additional mitigation measures if, after viewing the completed project, the Board finds that the completed mitigation measures are inadequate.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

94. The proposed project will not have an undue, adverse impact on any necessary wildlife habitat and endangered species. Based upon consultation with the ANR, there are no known listed threatened or endangered species at the proposed project site, nor is there any necessary wildlife habitat. Mapes pf. at 10-11.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

95. The proposed project will not unnecessarily or unreasonably endanger the public or quasi-public investment in any public facilities, services or lands, or materially jeopardize or interfere with the function, efficiency, or safety of the public's use or enjoyment of or access to any such facility, service or lands. The public investments adjacent to the proposed project include Route 7, Monkton Road, and the Vergennes Union High School. The proposed project

7. *See* Exhibit ASF-EP/LS-13.

site is located entirely outside any highway right-of-way, and will be set back 60 feet from the school property line. The proposed project will not create any adverse burdens on these public roads or on the high school. Pomerleau-Seddon pf. at 20.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

96. ASF is not a distribution utility and is not required to have an integrated resource plan. Pomerleau-Seddon pf. at 21.

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

97. The proposed project complies with the *Vermont Electric Plan* (the "Plan"), because it supports the Plan's recommendations that the State should evaluate "financial incentive mechanisms to foster renewable energy deployment," and "other creative solutions to promoting the commercialization and use of clean, renewable technologies." The proposed project promotes the Plan's goals to diversify supply resources, maintain appropriate contribution from renewable resources, and reduce Vermont's dependence on fossil fuels and other resources that are subject to dramatic price changes and possible supply disruptions. Pomerleau-Seddon pf. at 21-22.

98. The Department filed a determination on July 20, 2010, that the proposed project is consistent with the *Vermont Electric Plan*, in accordance with 30 V.S.A. § 202(f).

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

99. The proposed project will not affect any outstanding resource waters of the State, as there are no waters in the vicinity of the proposed project that have been designated as outstanding resource waters. Mapes pf. at 2-3.

Waste to Energy Facilities

[30 V.S.A. § 248(b)(9)]

100. This criterion is not applicable to the proposed project.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

101. The proposed project will be served economically by existing or planned transmission facilities without undue adverse impact on Vermont utilities or customers. The proposed project will interconnect with GMP's existing 12.47 kV distribution line located on Monkton Road and will not adversely affect system stability or reliability. Pomerleau-Seddon pf. at 14-15 and 22.

Decommissioning Plan

102. The standard-offer contract for the proposed project has a term of twenty-five years. At the end of the contract term, ASF will assess whether it is financially viable to continue to operate the proposed project or decommission the project. Pomerleau-Seddon pf. at 13.

103. When the proposed project is decommissioned, the solar panels will be sold for reuse or be returned to the manufacturer for recycling. The solar panel support structures, underground electrical wiring, inverter enclosure, and educational kiosk will be removed from the site. The decommissioning will effectively restore the site to pre-development conditions. Pomerleau-Seddon pf. at 13.

Discussion

Board Rule 5.402(C)(2) requires non-utility petitioners to "include a plan for decommissioning the project at the end of its useful life. This requirement does not apply to proposed generation facilities with a capacity of one MW or less."

In other approvals of merchant generation facilities, the Board has required that the plan include a decommissioning fund. ASF did not address a decommissioning fund in its petition for the proposed project and no party raised the issue. A fund will ensure that there are sufficient funds available to return the proposed project site to an appropriate condition at the end of the project's useful life or earlier, should the project cease or reduce operations for any reason.

Consistent with other approved merchant generation projects, I am recommending that the Board require ASF, prior to proceeding with the construction of the proposed project, to submit to the Board for review and approval a plan for the creation of a decommissioning fund. I am also recommending that parties be given one week, from the date the plan is filed with the Board, to file any comments.

In the plan for a decommissioning fund, I recommend that the Board require ASF to provide a detailed estimate of the projected decommissioning costs. In addition, I recommend that the establishment of a decommissioning fund be consistent with previous Board requirements: (1) to be backed by a Letter of Credit or another appropriate financial security; (2) to increase over time to account for inflation; and (3) to be bankruptcy-remote to protect it from creditor claims in the event the proposed project encounters financial difficulties.[8]

Renewable Energy Credits

104. Under the SPEED standard-offer program, ASF is required to sell both the proposed project's energy and attributes, including RECs, to the SPEED Facilitator. Pomerleau-Seddon 2nd supp. pf. at 5.

105. The Department has requested that ASF ensure that the value of the renewable energy attributes (including RECs) is not being improperly diminished by any statements that ASF makes regarding the project's renewable attributes. It is ASF's position that any statements it makes in the educational materials for the proposed project, or otherwise, regarding the environmental benefits of the project will not negatively affect the market price that might be able to be obtained for the RECs. Pomerleau-Seddon 2nd supp. pf. at 5.

106. ASF, in response to the Department's request, agrees to the following:

> (a) ASF acknowledges that it has sold all of the products directly attributable to the renewable production of electricity to a third party, and as such, ASF agrees that it will not cause any RECs or attributes directly attributable to this project's electrical production to be double counted.

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8. *See* Docket 7416, *Moretown Landfill*, Order of 8/29/08 at 20; and Docket 7508, *Georgia Mountain*, Order of 6/11/10 at 84-85.

(b) ASF's representation that its production of energy from a renewable resource has environmental or energy security benefits, even though RECs from the proposed project have been sold, shall not constitute double counting.

Pomerleau/Seddon 2nd supp. pf. at 5-6.

107. Double counting can occur when the disaggregated attributes associated with a single MWh of generation are ultimately sold to, or claimed by, more than one consumer. Double counting includes: (1) when the same REC is sold by one party to more than one party; (2) marketing the energy for which RECs have been separately sold as renewable in calculating another entity's product or portfolio resource mix; and (3) when a REC is simultaneously sold to represent renewable electricity to one party, and one or more attributes associated with the same MWh of generation (such as CO_2 reduction) are also sold to or claimed by another party. Pomerleau/Seddon 2nd supp. pf. at 5-6.

Discussion

As part of the Stipulation and at the request of the Department, ASF has agreed that, if the petition is granted, the CPG should include requirements with regard to ASF's future representations regarding the renewable attributes associated with the proposed project, as specified in findings 106 and 107, above.

Consistent with ASF's standard-offer contract and Board Orders, ASF will transfer the ownership of all renewable attributes associated with the proposed project to the SPEED Facilitator. The Department has not provided testimony as to why disclosure requirements regarding double counting will protect the value of the RECs in the market place or are otherwise appropriate given that ASF will not hold the renewable attributes for the proposed project. Because the renewable attributes of all non-methane standard-offer projects will be transferred to the SPEED Facilitator and consistent with the Board's approval of previous standard-offer project,[9] I conclude that this issue is more appropriately addressed in Docket 7533, establishing a standard-offer program for qualifying SPEED resources.[10] Because the standard-offer program is both new and complex, the SPEED Facilitator, participants, and Board staff continue to identify

9. See Docket 7614, *Brattleboro Carbon Harvest*, Order of 7/13/10, at 16.

10. On September 30, 2009, the Board issued an Order, in Docket 7533, establishing a standard-offer program. On October 16, October 28, and December 31, 2009, and June 24, 2010, the Board issued Orders addressing certain implementation issues.

implementation issues that need to be resolved. I encourage the Department to present its concerns with regard to double-counting of renewable attributes in Docket 7533. I further recommend that the Board's Order include a condition requiring ASF to comply with any applicable disclosure requirements that are established in other proceedings, including Docket 7533, and Board Rules.

Therefore, I recommend that the CPG should not include any additional, specific requirements regarding the transfer of the renewable attributes associated with the proposed project. However, as identified in findings 106 and 107, above, ASF has agreed to the disclosure requirements related to the transfer of renewable attributes. I am recommending that the Board's Order and CPG require that construction, operation, and maintenance of the proposed project shall be in accordance with the plans and evidence as submitted in these proceedings. Accordingly, I expect that ASF will abide by these disclosure requirements related to the transfer of renewable attributes.

IV. DISCUSSION

ASF has provided sufficient evidence to demonstrate that the proposed project complies with Section 248 criteria. I recommend that the Board issue a CPG, with conditions, authorizing construction of the proposed project.

On June 15, 2010, ASF, the Department, ANR, and Addison County Eagles Club filed a Stipulation and revised proposed findings of fact and order in which all the parties agreed that the Board should issue a CPG with conditions. The parties waived their rights under 3 V.S.A. § 811 to review and comment upon a proposal for decision, and to present oral argument, provided that the Board issues an order substantially similar to that attached to the Stipulation. Given that I am recommending that the Board require as a condition for a certificate of public good the creation of a decommissioning fund and the post-construction review of landscaping measures, parties may view these changes as significant. Therefore, pursuant to 3 V.S.A. § 811, I am circulating the Proposal for Decision to the parties for their review and comment.

V. CONCLUSION

Based upon the evidence in the record, I conclude that the proposed project, with the conditions identified below:

(a) will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, and the recommendations of the municipal legislative bodies;

(b) is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and land management measures;

(c) will not adversely affect system stability and reliability;

(d) will result in an economic benefit to the state and its residents;

(e) will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. § 1424a(d) and §§ 6086(a)(1) through (8) and (9)(K);

(f) is consistent with the principles of least-cost integrated resource planning;

(g) is in compliance with the electric energy plan approved by the DPS under § 202 of Title 30 V.S.A.;

(h) does not involve a facility affecting or located on any segment of the waters of the State that has been designated as outstanding resource waters by the Water Resources Board;

(i) does not involve a waste-to-energy facility; and

(j) can be served economically by existing or planned transmission facilities without undue adverse effect on Vermont utilities or customers.

I recommend that the Board approve the proposed project and issue a CPG for construction of the proposed project with the conditions set forth in the proposed Order and CPG, below.

Dated at Montpelier, Vermont, this 3rd day of August, 2010.

s/ Mary Jo Krolewski
Mary Jo Krolewski

Hearing Officer

VI. BOARD DISCUSSION

After reviewing the comments on the Proposal for Decision ("PFD"), we adopt Hearing Officer's PFD, with one change and clarification, for the reasons set forth below.

On July 23, 2010, ASF filed a letter stating that it supported the PFD with one exception.[11] ASF maintained that a decommissioning fund is not necessary for the proposed project, given the type and location of the solar project, the level of environmental and other impacts, and the economic incentive of converting the site parcel to other uses after the project ceases. ASF, however, stated that it did not object to the imposition of a decommissioning fund. ASF requested that the Hearing Officer's proposed Condition 10 be changed to require the plan for a creation of a decommissioning fund be submitted prior to commencement of operations, rather than prior to proceeding with construction. ASF stated that the purpose of the change was to ensure that project financing and the start of construction are not delayed due to ASF needing to submit and seek approval of a decommissioning fund. ASF further noted that ASF is not likely to begin construction until 30 days after the issuance of a CPG because its lenders will not release funds until after the 30-day appeal period of any Board decision. ASF represented that the Department concurred with the proposed change to Condition 10.

As the Hearing Officer noted in the PFD, the Board has required decommissioning funds in other approvals of merchant generation facilities. A decommissioning fund ensures that there are sufficient funds available to return the proposed project site to an appropriate condition at the end of the project's useful life or earlier, should the project cease or reduce operations for any reasons or if the project is never completed. In previous Board approvals, we required the fund to be in place at the start of construction, since the majority impacts to the site occur during the construction phase rather than the operation phase. This clearly is the best practice and as a general rule we will continue to require the decommissioning fund be in place prior to commencement of site preparation or construction. However, the proposed project construction

11. ASF represented that ANR and the Addison County Eagles Club have no comments on the PFD.

will be starting in late season. This means that the insistence of decommissioning funding prior to construction could lead to a substantial delay in project completion till next spring. Considering that the issue of a decommissioning fund was not raised during the technical hearing, we are persuaded that it is reasonable to grant an exception to our normal practice. Therefore, we adopt ASF's proposed changes to Condition 10.

The Hearing Officer's proposed Findings 76 through 79 conclude that the proposed project will not cause unreasonable congestion or unsafe conditions with respect to the use of transportation systems. While these findings address site access and the amount of expected constructed-related vehicle traffic, the findings do not address traffic impacts during operation of the proposed project. As supported by Findings 4, 22, and 68, off-site individuals will be employed in operating, monitoring, and maintaining the proposed project. However, these findings indicate that vehicle traffic during the operation of the proposed project will be limited to occasional maintenance activities. Therefore, we conclude that the evidence supports a finding that the operation of the proposed project will not cause unreasonable congestion or unsafe conditions with respect to the use of transportation systems.

VII. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The findings, conclusions, and recommendations of the Hearing Officer are adopted.

2. The proposed installation and operation of a solar electric generation facility by Addison Solar Farm, LLC in Ferrrisburgh, Vermont, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good to that effect shall be issued.

3. Construction, operation, and maintenance of the proposed project shall be in accordance with the plans and evidence as submitted in these proceedings. Any material deviation from these plans must be approved by the Board.

4. The proposed project is hereby certified as a Sustainably Priced Energy Enterprise Development (SPEED) project.

5. Addison Solar Farm shall comply with any applicable requirements regarding the disclosure of renewable attributes that are established in other proceedings, including Docket 7533, and Board Rules.

6. Addison Solar Farm shall pay the entire cost of the distribution system upgrades.

7. During the first year of operation, Addison Solar Farm shall comply with the requirements of the Reflectivity Monitoring Plan agreed upon by the parties. Based on the results of the Reflectivity Monitoring Plan, the Board reserves the right to require Addison Solar Farm to install additional mitigation measures.

8. All construction activities shall comply with the site-specific Erosion Prevention and Sediment Control Plan developed for the proposed project.

9. Prior to proceeding with operation, Addison Solar Farm shall comply with the screening requirements of the landscaping plan agreed upon by the parties.

10. Prior to proceeding with construction, Addison Solar Farm shall submit to the Board for review and approval a plan for the creation of a decommissioning fund. Parties shall have one week, from the date the plan is filed with the Board, to file any comments.

11. Prior to commencement of operations, Addison Solar Farm shall obtain all necessary permits and approvals. Construction, operation, and maintenance of the proposed project shall be in accordance with such permits and approvals, and with all other applicable regulations, including those of the Agency of Natural Resources.

12. Within 30 days of the completion of construction of the proposed project (including installation of all landscaping), Addison Solar Farm shall arrange a site visit with the Board and all parties to review the effectiveness of the aesthetic mitigation measures, as installed. As a result of this inspection, the Board reserves the right to require Addison Solar Farm to install additional mitigation measures.

Dated at Montpelier, Vermont, this 3rd day of August, 2010.

s/ James Volz)	
)	PUBLIC SERVICE
)	
s/ David C. Coen)	BOARD
)	
)	OF VERMONT
s/ John D. Burke)	

OFFICE OF THE CLERK

FILED: August 3, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.